

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SCOTT A. CHODEN,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

Case No. 4:19-CV-2345 PLC

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Scott Choden’s petition to award attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [ECF No. 21] Plaintiff requests an award of \$6,583.50, representing 34.2 hours of attorney time at a rate of \$192.50 per hour. Plaintiff attaches an Assignment of Federal Court EAJA Attorney Fee, in which he assigned any court-awarded to his attorney, Traci L. Severs, LLC. [ECF No. 21-2] Plaintiff also submits a bill of costs and requests reimbursement of the filing fee in the amount of \$400.00. [ECF Nos. 21 & 22]

Defendant filed a response to Plaintiff’s petition for attorney fees, in which she states: “Defendant has no objection to Plaintiff’s request for attorney fees under the EAJA in the amount of **\$6,583.50.**” [ECF No. 23 (emphasis in original)] Defendant requests that the Court enter an order “specifically awarding attorney fees of **\$6,583.50** to be paid by the Social Security Administration, and costs of **\$400.00** to be paid from the Judgment Fund.” [*Id.* (emphasis in original)] She notes, however, that any award of attorney fees is subject to offset to satisfy any preexisting debt Plaintiff owes to the United States. See Astrue v. Ratliff, 560 U.S. 586 (2010).

After careful consideration,

IT IS HEREBY ORDERED that Plaintiff's petition to award attorney fees [ECF No. 21] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff is awarded EAJA attorney fees in the amount of \$6,583.50, subject to offset for any preexisting debt that the Plaintiff owes to the United States. After determining whether Plaintiff owes any debt to the United States that is subject to offset, Defendant is directed to pay the EAJA fees directly to Plaintiff's attorney.

IT IS FINALLY ORDERED that Plaintiff is awarded costs of \$400.00, to be paid from the Judgment Fund administered by the United States Treasury.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of May, 2022